

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, May 10, 2017

Hearing Room 1675

11:00 AM

2:11-39746 Barbara Jo Baiz Rodriguez

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. 7/27/16, 9/14/16, 11/16/16

Docket 203

Tentative Ruling:

Updated tentative ruling as of 5/5/17. The court has reviewed debtor's status report. The court notes that the chart is missing the operative date for the amounts required to be paid, though the text of the report states that the date is the date of the report. Debtor needs to clarify the date for the amounts required to be paid. Otherwise, no tentative ruling on the merits. Debtor should also report on the rental situation, i.e., is the Burbank property rented out, and how much are her children paying on the Hacienda Heights property each. Appearances are required on 5/10/17, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 11/14/16. The court has reviewed debtor's status report. Appearances are required on 11/16/16, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 9/12/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/24/16 to discuss scheduling of further proceedings, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/27/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 6/13/16. Off calendar. The court has reviewed debtor's motion requesting an extension of time to file the post-confirmation

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status report, reporting that she was recently injured, and the court on its own motion continues the status conference to 7/27/16 at 11:00 a.m. with an updated status report due for filing on 7/20/16. No appearances are required on 6/15/16.

Prior tentative ruling as of 3/14/16. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/16/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 9/16/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 3/3/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/4/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 9/3/14. The court has reviewed the Debtor's status report filed 7/24/2014. No tentative ruling. Appearances required on 9/4/14.

Prior tentative ruling as of 3/17/14. The court has reviewed the United States Trustee (UST)'s report on discovery efforts and results and debtor's objection to the UST's request for further continuance. No tentative ruling on the merits. Appearances are required on 3/19/14.

Prior tentative ruling as of 2/10/14. No tentative ruling. Plan confirmation may be a contested matter under FRBP 9014 requiring an evidentiary hearing. Objecting parties United States Trustee and Deutsche Bank to show excuse for late filing of objections to plan. Debtor to address feasibility of plan, cramdown plan treatment of Deutsch Bank pursuant to its 11 U.S.C. 1111(b) election (i.e., proposed 23-year payout of secured claim may not be proper) and how Stonger vote and objection should be addressed (i.e., what authority exists to disregard Stonger vote or recognize inconsistent ballots, if

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they are indeed inconsistent rather than unintentionally mistaken.)).
Appearances are required on 2/12/14.

Prior tentative ruling as of 12/2/13. At the last hearing on the disclosure statement, debtor indicated that she would submit financial projections as requested by the United States Trustee. Appearances are required on 12/4/13, but counsel may appear by telephone.

No tentative ruling as of 10/28/13. Appearances are required on 10/30/13. Debtor to address objections of United States Trustee and secured creditor Deutsche Bank. Although a confirmation matter, the court is not inclined to confirm a plan with a 36 year payout on the secured claim since no apparent justification is provided for the protracted payment and such appears to be discriminatory and unduly shifting the risk of lack of plan feasibility to that creditor. Appearances are required on 10/30/13.

Party Information

Debtor(s):

Barbara Jo Baiz Rodriguez

Represented By
Jerome S Cohen

Movant(s):

Barbara Jo Baiz Rodriguez

Represented By
Jerome S Cohen

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2:15-12558 Kenneth Leonard Dymmel and Ruth Elizabeth Dymmel

Chapter 11

#2.00 Cont'd hearing re: Motion for approval of chapter 11 disclosure statement
fr. 12/13/16, 1/24/17, 2/14/17

Docket 130

Tentative Ruling:

Updated tentative ruling as of 5/5/17. No tentative ruling on the merits. The court notes that debtor stated in his status report that he anticipates filing an amended disclosure statement and plan by 9/17. Appearances are required on 5/10/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/31/16. No updated tentative ruling on the merits. Appearances are required on 11/2/16.

No updated tentative ruling as of 10/3/16. Appearances are required on 10/5/16, but counsel may appear by telephone.

No updated tentative ruling as of 9/12/16. Appearances are required on 9/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/22/16. Appearances are required on 8/24/16, but counsel may appear by telephone.

Revised tentative ruling as of 8/16/16. Continued by stipulation and order to

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Chapter 11

8/24/16 at 11:00 a.m. No appearances are required on 8/17/16.

Prior tentative ruling as of 8/8/16. Continued by stipulation and order to 8/17/16 at 11:00 a.m. No appearances are required on 8/10/16.

Prior tentative ruling as of 8/1/16. No tentative ruling on the merits. Appearances are required on 8/2/16 to address creditor East/West Bank's objection to Debtors' Third Amended Disclosure Statement (Corrected/Final) and Debtors' Response and Motion to Strike the Objection. Appearances are required on 8/3/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/5/16. No tentative ruling on the merits. Debtor to address objections of creditors East West Bank, Valley Economic Development Center and U.S. Bank/Nationwide Mortgage, and the United States Trustee to third amended disclosure statement. Appearances are required on 7/6/16 to discuss scheduling of contested confirmation proceedings regarding feasibility and cramdown rate of interest among other issues, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. No tentative ruling on the merits. Debtor to address objections of creditors East West Bank, Valley Economic Development Center and U.S. Bank/Nationwide Mortgage, and the United States Trustee to first amended disclosure statement. Appearances are required on 4/27/16 to discuss scheduling of contested confirmation proceedings regarding feasibility and cramdown rate of interest among other issues, but counsel may appear by telephone.

Prior tentative ruling as of 12/14/15. Debtors need to address the objections of creditor East West Bank and the United States Trustee, which appear to have merit that the amended disclosure statement does not contain adequate information. Appearances are required on 12/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 10/19/15. Since debtors in their replies to the various objections to the disclosure statement have indicated a need for amendment of the disclosure statement, they should indicate how much time they will need to file and serve an amended disclosure statement. Given the

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somewhat bellicose rhetoric in the pleadings as to the dispute regarding the treatment of the senior secured claim on debtors' residence, counsel for the parties to that dispute should be prepared to discuss their pretrial needs regarding contested confirmation proceedings, and may as well start contested proceedings while an amended disclosure statement is pending. Appearances are required on 10/21/15, but counsel may appear by telephone.

Party Information

Debtor(s):

Kenneth Leonard Dymmel

Represented By
Robert M Aronson

Joint Debtor(s):

Ruth Elizabeth Dymmel

Represented By
Robert M Aronson

Movant(s):

Ruth Elizabeth Dymmel

Represented By
Robert M Aronson

Kenneth Leonard Dymmel

Represented By
Robert M Aronson

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2:15-12558 Kenneth Leonard Dymmel and Ruth Elizabeth Dymmel

Chapter 11

#3.00 Cont'd status conference re: Management of chapter 11 case
fr. 12/13/16, 1/24/17, 2/14/17

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/5/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/10/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/24/17, but counsel may appear by telephone.

Updated tentative ruling as of 12/12/16. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Updated tentative ruling as of 10/31/16. Off calendar. The court on its own motion vacates this status conference in light of the pending proceedings regarding the amended disclosure statement for which there are separate hearings at which the status of the case is considered. No appearances are required on 11/3/16.

Updated tentative ruling as of 7/5/16. No tentative ruling in light of pendency of motion to approve disclosure statement. Appearances are required on 7/6/16, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling in light of pendency of motion to approve disclosure statement. Appearances are required on 4/27/16, but counsel may appear by telephone.

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Prior tentative ruling as of 2/22/16. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 2/24/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/14/15. Appearances are required on 12/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

No updated tentative ruling as of 9/15/15. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 6/30/15. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 7/1/15 to address status, including United States Trustee compliance issues, but counsel may appear by telephone.

Prior tentative ruling as of 4/28/15. Appearances are required on 4/29/15, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No tentative ruling as of 4/13/15. Appearances are required on 4/15/15 to address status, including United States Trustee compliance issues, but counsel may appear by telephone.

Party Information

Debtor(s):

Kenneth Leonard Dymmel

Represented By
Robert M Aronson

Joint Debtor(s):

Ruth Elizabeth Dymmel

Represented By
Robert M Aronson

Movant(s):

Ruth Elizabeth Dymmel

Represented By

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**CONT... Kenneth Leonard Dymmel and Ruth Elizabeth Dymmel
Robert M Aronson**

Chapter 11

Kenneth Leonard Dymmel

Represented By
Robert M Aronson

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Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#4.00 Cont'd hearing re: Motion for order approving debtor's stipulations with First Republic and Charles Schwab Banks for allowance and treatment of claims pursuant to FRBP 9019
fr. 4/12/17, 4/26/17

Docket 220

Tentative Ruling:

Updated tentative ruling as of 5/5/17. Deny approval of the proposed stipulations with First Republic and Charles Schwab Banks because objecting creditor Cindy Magleby has raised colorable arguments that the proposed compromises are not fair and equitable within the meaning of FRBP 9019, so that such arguments need to be litigated. The court would treat the matters as contested matters under FRBP 9014 and set a litigation schedule on the contested matters, but it seems to the court that debtor-in-possession can just simply propose language in his proposed plan agreeable to the banks and the treatment of the bank creditors can be litigated in contested plan confirmation proceedings rather than in additional and separate FRBP 9019 litigation over plan treatment terms. Appearances are required on 5/10/17, but counsel may appear by telephone.

No updated tentative ruling as of 4/24/17. Appearances are required on 4/26/17, but counsel may appear by telephone.

No tentative ruling as of 4/10/17. Appearances are required on 4/12/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Curtis C. Magleby

Represented By
Illyssa I Fogel

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Hearing Room 1675

11:00 AM

2:12-11511 Martin Earl Byrdsong Jr

Chapter 11

#4.10 Cont'd hearing re: Motion for entry of discharge, lien avoidance, final decree pursuant to 11 U.S.C. §1141(d)(5)(A) or (B), and for entry of an order closing case fr. 5/2/17

Docket 159

Tentative Ruling:

Updated tentative ruling as of 5/5/17. The court has reviewed the supplemental declaration of counsel regarding payoff of unsecured claims. However, the numbering in some places in counsel's declaration, which may be material, is unclear because decimal points or commas are missing. Counsel should file a corrected supplemental declaration that the record is clear that the numbers work out. Appearances are required on 5/10/17, but counsel may appear by telephone.

Prior tentative ruling because the court cannot verify that the bifurcated unsecured claims of the partially secured creditors have been paid in full since the moving papers do not provide those amounts, such as the proofs of claim or stipulations indicating the value of the unsecured claims. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Martin Earl Byrdsong Jr

Represented By
Michael R Totaro

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Hearing Room 1675

11:30 AM

2:11-53086 Derrick Darone Lightfoot

Chapter 11

#5.00 Cont'd status conference re: Post confirmation of chapter 11 plan
fr. 4/6/16, 10/5/16, 10/26/16

Docket 124

Tentative Ruling:

Updated tentative ruling as of 5/5/17. The court has reviewed debtor's status report. Appearances are required on 5/10/17, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 10/24/16. Appearances are required on 10/26/16.

No updated tentative ruling as of 10/3/16. Appearances are required on 10/5/16.

Prior tentative ruling as of 4/4/16. The court has reviewed debtor's postconfirmation payment status reports. No tentative ruling on the merits. Appearances are required on 4/6/16.

Updated tentative ruling as of 2/22/16. No tentative ruling on the merits. Appearances are required on 2/24/16, but counsel may appear by telephone.

Prior tentative ruling as of 1/15/16. Appearances are required on 1/20/16, but counsel may appear by telephone.

Prior updated tentative ruling as of 12/14/15. Appearances are required on 12/16/15, but counsel may appear by telephone.

No updated tentative ruling as of 11/23/15. Appearances are required on 11/25/15, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

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Chapter 11

No updated tentative ruling as of 10/5/15. Appearances are required on 10/7/15, but counsel may appear by telephone.

No updated tentative ruling as of 9/8/15. Appearances are required on 9/9/15, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/15. No tentative ruling on the merits. Appearances are required on 5/27/15, but counsel may appear by telephone.

Prior tentative ruling as of 5/18/15. No tentative ruling on the merits. Appearances are required on 5/20/15, but counsel may appear by telephone.

Prior tentative ruling as of 4/28/15. The court has reviewed the debtor's post-confirmation status report. The status conference will be conducted at the same time as the hearing on the motion of United States Trustee to dismiss or convert on the 11:30 a.m. calendar. Appearances are required on 4/29/15, but counsel and debtor may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 2/17/15. The court has reviewed the unilateral status reports of debtor and United States Trustee. Appearances are required on 2/18/15, but counsel and debtor may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 12/15/14. The court has reviewed debtor's status report. Appearances are required on 12/17/14, but counsel and debtor representing himself may appear by telephone.

Prior tentative ruling as of 10/21/14. The court has reviewed debtor's status report. Appearances are required on 10/22/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/27/14. The court has reviewed debtor's status report and the United States Trustee's report that debtor is not current with UST quarterly fees. No tentative ruling. Appearances are required on 5/28/14 to discuss status and UST fee delinquency, but counsel may appear by telephone.

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CONT... Derrick Darone Lightfoot

Chapter 11

NOTE: Due to the judge's commitment as chair of a court committee meeting at noon, the hearing may be carried over to the afternoon or rescheduled if the hearing is not concluded by noon.

Prior tentative ruling as of 3/24/14. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 3/26/14, but counsel may appear by telephone.

Updated tentative ruling as of 1/27/14. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 1/29/14, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 11/20/13, but counsel may appear by telephone.

Party Information

Debtor(s):

Derrick Darone Lightfoot

Represented By
Sylvia Lew

Movant(s):

Derrick Darone Lightfoot

Represented By
Sylvia Lew

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Hearing Room 1675

11:30 AM

2:17-14656 A & Win Enterprise LLC

Chapter 7

#6.00 Order to show cause why case should not be dismissed pursuant to Local Bankruptcy Rule 9011-2(a)

Docket 5

Tentative Ruling:

No tentative ruling as of 5/5/17. Appearances are required on 5/10/17.

Party Information

Debtor(s):

A & Win Enterprise LLC

Pro Se

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se